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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/705,694	11/06/2000	Joseph M. Cannon	Cannon 110-100	7842

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EXAMINER

SOBUTKA, PHILIP

ART UNIT PAPER NUMBER

2683

DATE MAILED: 04/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/705,694

Applicant(s)

CANNON ET AL.

Examiner

Philip J. Sobutka

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,2,6,9-11,15,16,22,25,26,35,36,40,43,44, are rejected under 35 U.S.C. 102(b) as being anticipated by Sanpei et al (US 5,732,349).

Consider claim 1. Sanpei teaches a system comprising: a plurality of base stations at specific locations (Sanpei see especially fig 1) which transmit information specific to the locations (Sanpei see especially col 4, lines 10-15); a transceiver in a portable device (Sanpei see especially fig 5); wherein when the portable device comes into range of one of the plurality of base stations the device receives the radio signal from one of the plurality of base stations, and based on the information updates information stored in the memory of the device (Sanpei see especially col 5, lines 50-60).

As to claim 35, the system of Sanpei would perform the claimed steps.

As to claim 15, note that Sanpei's device includes a processor, memory and receiver (Sanpei see especially fig 3).

As to claims 2,16,36, note that Sanpei updating is performed automatically (Sanpei see especially col 5, line 50 – 60).

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As to claim 6,22,40, note that Sanpei teaches the signal including time zone information (Sanpei see especially col 7, lines 29-44).

As to claim 9, note that the information includes a telephone country code (Sanpei see especially col 5, lines 50-60).

As to claims 10-11,25-26,43-44, note that Sanpei teaches that the transceiver is set to predefined frequencies based on the country code (Sanpei see especially col 7, lines 25-30).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 5, 21,39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanpei in view of Konno (US 6,282,431).

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(note that in claims 5,39, the term "portable electronic clock", which has no antecedent basis, has been treated as if it stated "portable electronic device") Sanpei teaches everything claimed including the update signal indicating time zone (Sanpei see especially col 7, lines 29-44). Sanpei lacks a teaching of the device including a clock. Konno teaches a portable device that updates for the time zone based on location including a clock (Konno see especially fig 1, item 5, col 3, line 52 – col 4, line 11). It would have been obvious to one of ordinary skill in the art to modify Sanpei to include a clock in order to provide a local time source.

6. Claims 3,7,17-19,23,37,41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanpei in view of Tomiyori (US 5,305,372).

Consider claims 3,7,19,23,37,41. Sanpei teaches everything claimed except for the information that is updated based on location including speed dial numbering. Tomiyori teaches a mobile that updates speed dialing based on the mobile's location (Tomiyori see especially col 3, lines 42- col 4, line 47). Note that the updating includes the location area code (Tomiyori see especially col 3, lines 41-57). Tomiyori teaches that this allows the speed dial numbers to be used with the proper international access codes automatically appended. It would have been obvious to one of ordinary skill in the art to modify Sanpei as taught by Tomiyori to update the speed dialing based on location in order to ensure that the speed dialed number has the proper international access codes automatically appended.

Consider claims 17,18. Sanpei lacks a teaching of presenting an indication of the country update to the user, the device only updating information upon user input.

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Tomiyori also teaches presenting the country update to the user, and only updating upon user input (Tomiyori, col 3, lines 42-60). It would have been obvious to one of ordinary skill in the art to modify Sanpei to present the update to the user for approve before commencing in case the user did not wish to alter the unit for use in the new location as taught by Tomiyori.

7. Claims 4,20,38, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanpei in view of Moon et al (US 6,085,098).

Sanpei teaches everything claimed except for the information that is updated based on location including a calendar. Moon et al teaches a portable device that updates its calendar on the basis of location (Moon col 7, lines 30-35). It would have been obvious to one of ordinary skill in the art to modify Sanpei to also update the calendar in order to ensure that the user was aware of the local holidays and could plan accordingly.

8. Claims 8,24,42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanpei in view of Nakamura (US 6,201,963).

Sanpei teaches everything claimed except for the information that is updated based on location including a date. Nakamura teaches a portable device that updates its date on the basis of location (Nakamura col 4, lines 30-50). It would have been obvious to one of ordinary skill in the art to modify Sanpei to also update the date in order to ensure that the user always had the current date.

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9. Claims 12,13,27,28,30,31,34,46,49-50,53,54, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanpei in view of Siddiqui et al (US 6,292,666).

Consider claims 12,27, Sanpei teaches everything claimed except for the device including a global positioning satellite (GPS) receiver, wherein the country is determined using the position determined by the GPS receiver. Siddiqui teaches a mobile equipped with a GPS receiver that determines the country based on the position determined by the GPS receiver (Siddiqui see especially fig 6). It would have been obvious to one of ordinary skill in the art to equip the device of Sanpei with the GPS receiver used to determine the country code in order to increase the accuracy of the position determination using the highly accurate GPS system.

As to claim 13,28,54 note that Sanpei teaches a look up table (Sanpei see especially col 5, lines 35-60).

As to claim 30,31,46 the device of Sanpei in view of Siddiqui as modified above would perform the claimed steps.

As to claims 40,50, note that the information updated by Sanpei includes time zones (Sanpei see especially col 7, lines 29-44).

As to claim 53, note that the information includes a telephone country code (Sanpei see especially col 5, lines 50-60).

10. Claims 34,49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanpei in view of Siddiqui and in view of Konno (US 6,282,431).

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Sanpei teaches everything claimed including the update signal indicating time zone (Sanpei see especially col 7, lines 29-44). Sanpei lacks a teaching of the device including a clock. Konno teaches a portable device that updates for the time zone based on location including a clock (Konno see especially fig 1, item 5, col 3, line 52 – col 4, line 11). It would have been obvious to one of ordinary skill in the art to modify Sanpei in view of Siddiqui to include a clock in order to provide a local time source.

11. Claims 32,47,51, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanpei in view of Siddiqui as applied above and in view of Tomiyori (US 5,305,372).

Sanpei in view of Siddiqui teaches everything claimed except for the information that is updated based on location including speed dial numbering. Tomiyori teaches a mobile that updates speed dialing based on the mobile's location (Tomiyori see especially col 3, lines 42- col 4, line 47). Note that the updating includes the location area code (Tomiyori see especially col 3, lines 41-57). Tomiyori teaches that this allows the speed dial numbers to be used with the proper international access codes automatically appended. It would have been obvious to one of ordinary skill in the art to modify Sanpei in view of Siddiqui as taught by Tomiyori to update the speed dialing based on location in order to ensure that the speed dialed number has the proper international access codes automatically appended.

12. Claims 33,48, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanpei in view of Siddiqui and in view of Moon et al (US 6,085,098).

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Sanpei in view of Siddiqui teaches everything claimed except for the information that is updated based on location including a calendar. Moon et al teaches a portable device that updates its calendar on the basis of location (Moon col 7, lines 30-35). It would have been obvious to one of ordinary skill in the art to modify Sanpei in view of Siddiqui to also update the calendar in order to ensure that the user was aware of the local holidays and could plan accordingly.

13. Claim 52 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sanpei in view of Siddiqui and in view of Nakamura (US 6,201,963).

Sanpei in view of Siddiqui teaches everything claimed except for the information that is updated based on location including a date. Nakamura teaches a portable device that updates its date on the basis of location (Nakamura col 4, lines 30-50). It would have been obvious to one of ordinary skill in the art to modify Sanpei in view of Siddiqui to also update the date in order to ensure that the user always had the current date.

14. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sanpei.

Consider claim 14. Sanpei in view of teaches everything claimed except for the device being Bluetooth™ compliant. Official Notice is taken that Bluetooth™ is notoriously well known in the art. It would have been obvious to one of ordinary skill in the art to modify Sanpei to include compliance with Bluetooth™ in order to ensure compatibility with a standard that is growing in popularity.

Claim Rejections - 35 USC § 112

15. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

16. Claims 5,39,49, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

17. Claims 5,39,49, recite the limitation "portable electronic clock" in line 2. There is insufficient antecedent basis for this limitation in the claim. Note that the claim has been treated as if this were a typo for "portable electronic device".

Specification

18. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Orlen et al (US 5,579,535) has been cited to show a system in which base stations transmit location related information and the mobiles update their memories on the basis of user input.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J. Sobutka whose telephone number is 703-305-4825. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone numbers for

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the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Philip Sobutka

Pjs
April 19, 2002


WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600



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Patent and Trademark Office**

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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Commissioner of Patents and Trademarks